

REMARKS

This amendment is in response to the Final Office Action mailed August 5, 2009 (the “Office Action”). Claims 1-22, 24-27, and 29-32 are pending. Claims 1-15, 18, 22, and 24-27 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the pending claims.

The specification has been amended to correct typographical errors in the Abstract and paragraph [0001]. No new matter has been added.

Applicants thank Examiner Franklin for participating in the Examiner Interview on October 27, 2009. Agreement was not reached with respect to claim 1. Agreement was reached that the proposed amendments to claim 11 overcome the cited art and that claim 22 overcomes the cited art.

Claims 1, 2, 6, 9-12, 16, 19, 20, 24-27, and 29-32 are Allowable

The Office has rejected claims 1, 2, 6, 9-12, 16, 19, 20, 24-27, and 29-32, under 35 U.S.C. §103(a), as being unpatentable over U.S. Published Application No. 2003/0144952 (“Brown”), in view of U.S. Published Application No. 2004/0254868 (“Kirkland”). Applicants respectfully traverse the rejections.

Claims 1, 2, 6, 9, 10, and 24-27

The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 1. For example, the cited portions of the above-cited references fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the payment card,” as in claim 1.

In contrast to claim 1, Brown describes a system where an automatic approval message is always sent to the account holder under all circumstances. *See* Brown, Fig. 3A, box 308. The cited portions of Brown do not disclose or suggest sending a first message to a holder of a

payment card and a second message to a second party other than the holder of the payment card, where the second party is affiliated with a business associated with the payment card. Therefore, the cited portions of Brown fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the payment card,” as in claim 1.

In further contrast to claim 1, the cited portions of Kirkland describe a system for detection of identity theft where, when conditions of attempted use of identity fall within one or more notification criteria, a notification message may be composed and sent to a notification device. *See* Kirkland, Abstract. The cited portions of Kirkland describe sending a notification message to a notification device, not to more than one device. Therefore, the cited portions of Kirkland fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the payment card,” as in claim 1.

Therefore, the cited portions of Brown and Kirkland, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2, 6, 9, 10, and 24-27 are allowable, at least by virtue of their dependence from claim 1.

Claims 11, 12, 16, 19, 20, and 29-32

As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 11. The previous versions of dependent claims 12-14 were incorporated into claim 11. The Office rejected the previous version of claim 13 over Brown, in view of Kirkland, and further in view of U.S. Patent No. 5,999,596 (“Walker”). The Office rejected the previous version of claim 14 over Brown, in view of Kirkland, and further in view of U.S. Patent. No. 4,114,027 (“Slater”). The cited portions of the above-cited references do not disclose or suggest the specific combination of claim 11. For example, the

cited portions of the above-cited references fail to disclose or suggest a payment card transaction notification and authorization system that uses a telecommunication network to “decline authorization and send a message to a merchant involved in the attempted transaction to return the payment card to an individual making the attempted transaction in response to receiving information indicating an input on the device selecting the first option,” and to “decline authorization and send a message to the merchant involved in the attempted transaction to withhold the payment card from the individual making the attempted transaction in response to receiving information indicating the input on the device selecting the second option,” as in claim 11.

Therefore, the cited portions of Brown, Kirkland, Walker, and Slater, individually or in combination, fail to disclose or suggest at least one element of claim 11. Hence, claim 11 is allowable. Claims 12, 16, 19, 20, and 29-32 are allowable, at least by virtue of their dependence from claim 11.

Claim 3 is Allowable

The Office has rejected claims 3 and 13, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of Walker. As discussed above, the previous version of claim 13 has been incorporated into claim 11, and claim 11 is not obvious in light of Brown, Kirkland, and Walker. Applicants respectfully traverse the rejection of claim 3.

Claim 3 depends from claim 1. As explained above, the cited portions of Brown and Kirkland fail to disclose or suggest at least one element of claim 1. The cited portions of Walker fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Brown and Kirkland. For example, the cited portions of Walker fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the payment card,” as in claim 1. In contrast to claim 1, Walker describes a system for controlling credit card use that includes contacting a card holder about a transaction. When the card holder cannot be contacted, the system contacts another person (e.g., a relative of

the card holder) who can authorize or decline the transaction. *See* Walker, Abstract, col. 11, lines 28-52. The cited portions of Walker describe conditionally contacting the card holder and another party (e.g., the relative of the cardholder), but fail to disclose or suggest unconditionally sending a first notification message to the card holder and a second notification message to a second party, where the second party is affiliated with a business associated with the card. Therefore, the cited portions of Brown, Kirkland, and Walker, individually or in combination, fail to disclose or suggest at least one element of claim 1, from which claim 3 depends. Hence, claim 3 is allowable, at least by virtue of its dependence from claim 1.

Claim 4 is Allowable

The Office has rejected claims 4 and 14, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of Slater. As discussed above, the previous version of claim 14 has been incorporated into claim 11. Applicants respectfully traverse the rejection of claim 4.

Claim 4 depends from claim 1. As explained above, the cited portions of Brown and Kirkland fail to disclose or suggest at least one element of claim 1. The cited portions of Slater fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Brown and Kirkland. For example, the cited portions of Slater fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the payment card,” as in claim 1. In contrast to claim 1, Slater describes an automated banking system that provides a message to a user of a card. *See* Slater, Abstract. The cited portions of Slater describe providing information to a user of a card, but do not disclose or suggest providing information to a cardholder of the card and to a second party affiliated with a business associated with the card. Therefore, the cited portions of Brown, Kirkland, and Slater, individually or in combination, fail to disclose or suggest at least one element of claim 1, from which claim 4 depends. Hence, claim 4 is allowable, at least by virtue of its dependence from claim 1.

Claims 5, 15, and 22 are Allowable

The Office has rejected claims 5, 15, and 22, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of U.S. Patent No. 5,819,226 (“Gopinathan”). Applicants respectfully traverse the rejections.

Claim 5

Claim 5 depends from claim 1. As explained above, the cited portions of Brown and Kirkland fail to disclose or suggest at least one element of claim 1. The cited portions of Gopinathan fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Brown and Kirkland. For example, the cited portions of Gopinathan fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a business payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the business payment card,” as in claim 1. In contrast to claim 1, Gopinathan describes a system that analyzes account information to determine a cut-off score for each account. An analyst may contact an account holder associated with an account having a high cut-off score to determine whether there is fraud associated with the account having the high cut-off score. *See* Gopinathan, Abstract and column 4, lines 3-29. The cited portions of Gopinathan do not disclose or suggest sending a first notification message to a card holder of a payment card and a second notification message to a second party affiliated with a business associated with the payment card. Therefore, the Brown, Kirkland, and Gopinathan, individually or in combination, fail to disclose or suggest at least one element of claim 1, from which claim 5 depends. Hence, claim 5 is allowable, at least by virtue of its dependence from claim 1.

Claim 15

Claim 15 depends from claim 11. As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 11. The cited portions of Gopinathan fail to disclose or suggest the elements of claim 11 not disclosed or

suggested by the cited portions of Brown, Kirkland, Slater, and Walker. For example, the cited portions of Gopinathan fail to disclose or suggest a payment card transaction notification and authorization system that uses a telecommunication network to “decline authorization and send a message to a merchant involved in the attempted transaction to return the payment card to an individual making the attempted transaction in response to receiving information indicating an input on the device selecting the first option,” and to “decline authorization and send a message to the merchant involved in the attempted transaction to withhold the payment card from the individual making the attempted transaction in response to receiving information indicating the input on the device selecting the second option,” as in claim 11. In contrast to claim 11, Gopinathan describes a system that analyzes account information to determine a cut-off score for each account. An analyst may contact an account holder associated with an account having a high cut-off score to determine whether there is fraud associated with the account having the high cut-off score. *See* Gopinathan, Abstract and column 4, lines 3-29. The cited portions of Gopinathan do not disclose or suggest sending a message from a payment card holder to a merchant to return a payment card to a user of the payment card or a message from the payment card holder to withhold the payment card from the user of the payment card. Therefore, the cited portions of Brown, Kirkland, Slater, Walker, and Gopinathan, individually or in combination, fail to disclose or suggest at least one element of claim 11, from which claim 15 depends. Hence, claim 15 is allowable, at least by virtue of its dependence from claim 11.

Claim 22

As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 22. Therefore, the cited portions of Brown, Kirkland, Walker, Slater, and Gopinathan, individually or in combination, fail to disclose or suggest at least one element of claim 22. Hence, claim 22 is allowable.

Claims 7 and 17 are Allowable

The Office has rejected claims 7 and 17, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of U.S. Patent No. 6,052,675 (“Checchio”). Applicants respectfully traverse the rejections.

Claim 7

Claim 7 depends from claim 1. As explained above, the cited portions of Brown and Kirkland fail to disclose or suggest at least one element of claim 1. The cited portions of Checchio fail to disclose the elements of claim 1 not disclosed or suggested by the cited portions of Brown and Kirkland. For example, the cited portions of Checchio fail to disclose “sending a first notification message to a first device associated with a payment card holder of a business payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the business payment card,” as in claim 1. In contrast to claim 1, Checchio describes a system for pre-authorizing transactions and reporting fraudulent transactions to police and a credit card company that issued the payment card. *See* Checchio, Abstract and col. 1, lines 26-30. The cited portions of Checchio fail to disclose sending a message to a cardholder of a business payment card and a message to a second party affiliated with a business associated with the business payment card. Therefore, the cited portions of Brown, Kirkland, and Checchio, individually or in combination, fail to disclose or suggest at least one element of claim 1, from which claim 7 depends. Hence, claim 7 is allowable, at least by virtue of its dependence from claim 1.

Further, the cited portions of the above-cited references fail to disclose or suggest “automatically reporting the fraudulent transaction to a credit reporting agency,” as in claim 7. The Office States “Brown/Kirkland lack the teaching of automatically reporting the fraudulent transaction to a credit reporting agency.” *See* Office Action, page 7. The cited portions of Checchio describe reporting a fraudulent transaction to the police and to the credit card company that issued the credit card, neither of which are a credit reporting agency. For at least this additional reason, claim 7 is allowable.

Claim 17

Claim 17 depends from claim 11. As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 11. The cited portions of Checchio fail to disclose the elements of claim 11 not disclosed or suggested by the

cited portions of Brown, Kirkland, Slater, and Walker. For example, the cited portions of Checchio fail to disclose a payment card transaction notification and authorization system that uses a telecommunication network to “decline authorization and send a message to a merchant involved in the attempted transaction to return the payment card to an individual making the attempted transaction in response to receiving information indicating an input on the device selecting the first option,” and to “decline authorization and send a message to the merchant involved in the attempted transaction to withhold the payment card from the individual making the attempted transaction in response to receiving information indicating the input on the device selecting the second option,” as in claim 11. In contrast to claim 11, Checchio describes a system for pre-authorizing transactions and reporting fraudulent transactions to police and a credit card company that issued the payment card. *See* Checchio, Abstract and col. 1, lines 26-30. The cited portions of Checchio do not disclose sending a message from a payment card holder to a merchant to return a payment card to a user of the payment card or a message from the payment card holder to withhold the payment card from the user of the payment card. Therefore, the cited portions of Brown, Kirkland, Slater, Walker, and Checchio, individually or in combination, fail to disclose or suggest at least one element of claim 11, from which claim 17 depends. Hence, claim 17 is allowable, at least by virtue of its dependence from claim 11.

Further, the cited portions of the above-cited references fail to disclose or suggest “wherein the payment card transaction notification and authorization system is further configured to automatically report the fraudulent transaction to a credit reporting agency,” as in claim 17. The Office States “Brown/Kirkland lack the teaching of automatically reporting the fraudulent transaction to a credit reporting agency.” *See* Office Action, page 7. The cited portions of Walker and Slater do not disclose or suggest automatically reporting fraudulent transactions to a credit reporting agency. The cited portions of Checchio describe reporting a fraudulent transaction to the police and to the credit card company that issued the credit card, neither of which are a credit reporting agency. For at least this additional reason, claim 17 is allowable.

Claims 8 and 18 are Allowable

The Office has rejected claims 8 and 18, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of U.S. Published Application No. 2003/018214 (“Taylor”). Applicants respectfully traverse the rejections.

Claim 8

Claim 8 depends from claim 1. As explained above, the cited portions of Brown and Kirkland fail to disclose or suggest at least one element of claim 1. The cited portions of Taylor fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Brown and Kirkland. For example, the cited portions of Taylor fail to disclose or suggest “sending a first notification message to a first device associated with a payment card holder of a business payment card and a second notification message to a second device associated with a second party other than the payment card holder when a purchase amount of an attempted transaction exceeds a maximum purchase threshold, wherein the second party is affiliated with a business associated with the business payment card,” as in claim 1. In contrast to claim 1, Taylor describes a system that receives information collected by a teller of a financial institution from a customer presenting a check or other instrument, where the system provides the teller with information regarding suspicious activity so that the teller can decide whether to go forward or decline a transaction. *See* Taylor, Abstract and paragraph [0045]. The cited portions of Taylor do not disclose or suggest a payment card. In addition, the cited portions of Taylor fail to disclose or suggest sending a message to a cardholder of a business payment card and a message to a second party affiliated with a business associated with the business payment card. Therefore, the cited portions of Brown, Kirkland, and Taylor, individually or in combination, fail to disclose or suggest at least one element of claim 1, from which claim 8 depends. Hence, claim 8 is allowable, at least by virtue of its dependence from claim 1.

Claim 18

Claim 18 depends from claim 11. As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 11. The cited portions of Taylor fail to disclose or suggest the elements of claim 11 not disclosed or suggested

by the cited portions of Brown, Kirkland, Slater, and Walker. For example, the cited portions of Taylor fail to disclose or suggest a payment card transaction notification and authorization system that uses a telecommunication network to “decline authorization and send a message to a merchant involved in the attempted transaction to return the payment card to an individual making the attempted transaction in response to receiving information indicating an input on the device selecting the first option,” and to “decline authorization and send a message to the merchant involved in the attempted transaction to withhold the payment card from the individual making the attempted transaction in response to receiving information indicating the input on the device selecting the second option,” as in claim 11. In contrast to claim 11, Taylor describes a system that receives information collected by a teller of a financial institution from a customer presenting a check or other instrument, where the system provides the teller with information regarding suspicious activity so that the teller can decide whether to go forward or decline a transaction. *See* Taylor, Abstract and paragraph [0045]. The cited portions of Taylor do not disclose or suggest sending a message from a payment card holder to a merchant to return a payment card to a user of the payment card or a message from the payment card holder to withhold the payment card from the user of the payment card. Therefore, the cited portions of Brown, Kirkland, Slater, Walker, and Taylor, individually or in combination, fail to disclose or suggest at least one element of claim 11, from which claim 18 depends. Hence, claim 18 is allowable, at least by virtue of its dependence from claim 11.

Further, the cited portions of the above-cited references fail to disclose or suggest “wherein the payment card transaction notification and authorization system is further configured to send a reason code to a merchant involved in the attempted transaction to indicate why the attempted transaction has been declined in response to receiving information indicating selection of the first option or the second option by the payment card holder,” as in claim 18. The Office States “Brown/Kirkland lack the teaching of a reason code.” *See* Office Action, page 8. The cited portions of Walker and Slater do not disclose or suggest sending a reason code to a merchant involved in the transaction why the transaction has been declined. The cited portions of Taylor describe sending a code that indicates suspicious activity so that the teller can decide whether to go forward or decline the transaction, but does not disclose or suggest providing a code indicating the reason why the transaction was declined since the teller makes such a decision. For at least this additional reason, claim 18 is allowable.

Claim 21 is Allowable

The Office has rejected claim 21, under 35 U.S.C. §103(a), as being unpatentable over Brown, in view of Kirkland, and further in view of U.S. Published Application No. 2003/0014367 (“Tubinis”). Applicants respectfully traverse the rejection.

Claim 21 depends from claim 11. As agreed during the Examiner Interview of October 27, 2009, the cited art does not disclose or suggest each of the elements of claim 11. The cited portions of Tubinis fail to disclose or suggest the elements of claim 11 not disclosed or suggested by the cited portions of Brown, Kirkland, Slater, and Walker. For example, the cited portions of Tubinis fail to disclose or suggest a payment card transaction notification and authorization system that uses a telecommunication network to “decline authorization and send a message to a merchant involved in the attempted transaction to return the payment card to an individual making the attempted transaction in response to receiving information indicating an input on the device selecting the first option,” and to “decline authorization and send a message to the merchant involved in the attempted transaction to withhold the payment card from the individual making the attempted transaction in response to receiving information indicating the input on the device selecting the second option,” as in claim 11. In contrast to claim 11, Tubinis describes a system for adjusting an account balance for a pre-paid account for a multimedia service while the multimedia service is being provided. *See* Tubinis, Abstract. The cited portions of Tubinis do not disclose or suggest sending a message from a payment card holder to a merchant to return a payment card to a user of the payment card or a message from the payment card holder to withhold the payment card from the user of the payment card. Therefore, the cited portions of Brown, Kirkland, Slater, Walker, and Tubinis, individually or in combination, fail to disclose or suggest at least one element of claim 11, from which claim 21 depends. Hence, claim 21 is allowable, at least by virtue of its dependence from claim 11.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

11-19-2009
Date


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